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ing the "Wilmot proviso."

Now, sir, to these propositions, as made in the bill, I nefrom which we are to be excluded with our slaves. And it does more; it takes from one of the States of this Union a large territory now subject te the institution of slavery, and converts it into property of the United States, to be governed and conits institutions by a majority from the non-slavehold ing States.

Sir, the forbearance to enact the Wilmot proviso is not only no equivalent for such concessions, but there is no equivalent that can be given—at least none that I can conceive as being within the capacity of Congress to offer.

My first objection, then, Mr. President, to the bill reported by the committee for the adjustment of this question is, that

it brings us down below the Missouri compromise line in Texas; and the second is, that it excludes the South from admission with their property into so much of the territory of california as is embraced within the limits of the new State thirteen original States; and the gentleman who moved this below the same line. Sir, it violates the compact with Texas, proposition gave as his reason for it, that, if they undertook to ander which that State was brought into the Union. By the erms of annexation, the Missouri compromise line was to be nient boundaries for the State of California, the effect would under which that State was brought into the Union. By the terms of annexation, the Missouri compromise line was to be

part of the latter.
Sir, I shall make no argument to prove that California in the whole extent, as well the territory embraced within the limits of the new States as that without thom, is yet, in the political relation to this Government of "a Territory"—a Territor within the meaning of the terms of the constitution—the "property" of the United States; and the act of such of the inhabitants on the coast as assembled in the inhabitants on the coast as assembled in convention and tormed a constitution has not the slightest effect to change the convention eventually agreed to take such boundaries as that relation. California throughout the whole extent was a Territory when that constitution was formed, and is a Terri-tory yet; nor has that constitution the least validity whatever, never can have, unless made good against this Govern ment by force of arms, or ratified by an act of Congress : and this is assented to, or I should rather say asserted, as the law of the question by the Senator from Kentucky himself, (Mr. CLAY.)

Whenever, then, the constitution of California is ratifie by Congress, the clause prohibiting slavery will become law by the act of Congress, and by it alone. We have had the same question presented in the same form in regard to the Territory of Oregon. The inhabitants of that Territory, in the absence of any government provided by Congress, esta-blished a system of government for themselves, and by one of their ordinances excluded domestic slavery from the territory. In the bill as reported for the organization of a territorial government a provision was inserted ratifying and confirming all the laws enacted by the provisional government, amongst which was that prohibiting slavery, and the controversy then was upon such ratification, all agreeing that to confirm such law was equivalent to a direct enactment by

Now, sir, as to this right in the inhabitants of a portio of the Territory of California. They have no authority whatever, none in law and as little in justice, to assemble themselves upon the property of the Government—the com-mon property of all the States—and to pass a law which terdict from that Territory the citizens of one-half o the States of this Union unless they leave their most valuable property behind them, and that very property which of all other would be of most value to them in the Territory.

Mr. President, we have fallen upon strange times, indeed,

since this question of the extension or interdiction of slavery was first brought up for discussion in the Congress of the United States. Sir, what have we seen as the act of the Executive of the United States in reference to these matters? In prescribing the duties of the President the constitution en joins, amongst other things, that "he shall take care that the laws be faithfully executed." The Territory of California is the property of the United States, acquired first by conquest, and the title subsequently confirmed by solemn treaty, and for the consideration of many millions of dollars, paid and paythe consideration of many millions of dollars, paid and pay-able by the United States to Mexico. Now, one would sup-pose if there was any duty on the President, as the great the State of Delaware has as much power as the State of New pose if there was any duty on the President, as the great the State of Delaware has as much power as the State of New head of the Government, more cogent than another, it was Vork. And the past history of our country, sir, develops the I can conceive, unless it be expressly to exclude our Southern people from the whole territory. that which would require him to see to the safety of the pub-

mains, that, under the eyil counsels of those around him, amongst the first acts of his administration was, through the military commander in the Territory of California, to invite the inhabitants found there to assemble in convention, and pass laws and ordinances in contravention of the authority of the United States. Laws and ordinances by which the in habitants were to defeat and annul the title of the United States, acquired under the treaty with Mexico, which the con-stitution declares shall be "the supreme law of the land," and to wrest from the Government of the United States this large and valuable domain, the property of the United States.

I found this charge, sir, on the terms of the proclamation of Brevet Brig. Gen. Riley, addressed to the people of California, dated at Monterey on the 3d day of June, 1849, act ing, as he says, "in accordance with instructions of the Sec retary of War.

By this preclamation an election was ordered of delegate to a convention, the number of such delegates prescribed, election districts assigned, the day of election and the qualification of the voters ascertained and fixed, and the day ordered for the convention to assemble in discharge of the duties to be assumed by them—ac's of highest sovereignty, exercised by a military commander over the property of the United tates, without a shadow of authority in law, and with a view to facilitate the inhabitants of the Territory in depriving the people of the United States of their property.

How many people so assembled, and what portion of the

inhabitants were actually represented, we shall presently learn remarking only at present that the proclamation issued on the 3d of June, for elections to be held on the first day of August following, less than sixty days' notice, to a people dispersed over a Territory larger than that of the original thirteen States, divided into bands of gold diggers, explorers, and hunters, without organization, roads, villages, or newspapers-off the seacoast, and separated by mountains, lakes,

But these initiative measures to abandon to the first comers the property of the United States, strange as they are, are by no means the most strange in this extraordinary Executive plunge. After a constitution was adopted by those who had assembled under the proclamation, and ratified as was said by the inhabitants, the fact was formally made known to the military commander, General Riley, and he as formally and gravely issued a second proclamation, dated on the 20th December, 1849, with a military order of same date, by which he on that day "relinquished the administration of civil affairs in California to the executive of the Government organized under the provisions of the constitution," &c. And thus, without warrant of law, in violation of the plain letter of the constitution, and of the not less plain Executive trust, was the dominion of the United States over a large and valuable Territory, the property of all the States, quietly handed over to the first occupants who went upon it, and who were invited and stimulated to take it; and, as if in sport with so grave an occasion, the General ends the matter by agreeing to defray all the expenses of the convention out of the public money in his hands. [See his letter to "the Hon. C. T. Botts, chair-

man," &c., dated at Monterey, September 13, 1849.] Strange, passing strange, Mr. President, that such flagran usurpations of power, such wanton, I had almost said wicked. regard of plainest constitutional duty should pass without rebuke, and even without notice—any thing, every thing, constitution and all, is made secondary to the great end of staving off the discussion, and the necessity of settling, by the constituted authorities of the land, the rights of the people of the Southern States as co-proprietors in the Terri-

The key to all this is, with becoming simplicity, given i the annual message of the President, to get rid of the disturbing question of slavery, by getting rid of the public property with which it was connected. The summary disposi-tion it was to make of the rights of the people of the Southern States weighed as nothing with the President or his counsellors. It was the grave specific of the French empiric, which certainly carried off the disease by carrying off the

Sir, an honorable Senator from Florida (Mr. YULEE) brought before the Senate, on a former day, an occasion somewhat similar that arose, I think, in the case of Arkaosas, when the Legislative Council of that Territory petitioned th Governor to issue his proclamation, calling upon the people to organize a State government, in the days, I believe, of President Jackson. The Governor, who seems to have had a proper idea of the position in which he stood to the Terriry, submitted the question to the President, and be again to the Attorney General, and the latter advised the President

Now, sir, to these propositions, as made in the bill, I never can assent. I cannot assent, because they bring down yet lower, and to the extent of four and a half degrees, the limits from which we are to be excluded with our slaves. And it does gentlemen will find, if they will look through this report, that the polar star which guided their deliberations on all the great polar star which guided their deliberations on an ide great questions to be determined was, so to adjust them as would best ensure a speedy admission of their State into the Union. On the question of boundary, of domestic servitude, and of the exclusion of the African race altogether from California, every thing seems to have been affected, and to some extent con trolled, by a belief in the necessity of propitiating the majority in Congress on the subject of African slavery. One of the earliest propositions in the convention in relation to the boundaries was, that they should prescribe as the boundaries of the new State the existing boundaries of California; those boundaries by which the territory was ceded by Mexico-bounda terms of annexation, the Missouri compromise line was to be sacredly regarded, in the formation of new States out of the territory of Texas. But the bill, in dismembering Texas, adopts a new line, reaching four and a half degrees below the compromise line, and releases all the territory lying north and west of it from the obligations of that compact.

So, in reference to California, it trenches again on the spirit of the compromise of 1820, by excluding slavery on the Pacific border, as low down as the 32d parallel of north latitude. I am aware, sir, it will be said that this exclusion of the people of the Southern States below the line of 36° 30′ the people of the Southern States below the line of 36° 30′ was the proposition made by this gentleman, who was I appeared to the screen of the inhabitants of the Territory, and was the proposition made by this gentleman, who was I appeared to produce dissension at Washington, and difficulty and be to produce dissension at Washington, and difficulty and be to produce dissension at Washington, and difficulty and be to produce dissension at Washington, and difficulty and be to produce dissension at Washington, and difficulty and be to produce dissension at Washington, and difficulty and be to produce dissension at Washington, and difficulty and believe to produce dissension at Washington, and difficulty and believe to produce dissension at Washington, and difficulty and believe to produce dissension at Washington, and difficulty and believe to produce dissension at Washington, and difficulty and believe to produce dissension at Washington, and difficulty and believe to produce dissension at Washington, and difficulty and believe to produce dissension at Washington, and difficulty and believe to produce dissension at Washington into the Union. That gentleman said, in substance : If we take the whole of California, it will be to produce dissension into the Union. That gentleman said, in substance : If we take the whole of California, it will be to produce dissension into Pacific border, as low down as the 32d parallel of north lautude. I am aware, sir, it will be said that this exclusion of the people of the Southern States below the line of 36° 30′ in California is the act of the inhabitants of the Territory, and in California is the act of the United States; and thereshold one of the most intelligent and enlightened memprehend, one of the most intelligent and enlightened memprehend, one of the twenty or thirty thousand people residuals. ruled as unjust to the twenty or thirty thousand people resigning in the great basin of Utah and the Salt Lake, a thousand miles off, who were ignorant even that such a convention was in scession, and on the ground that to take the whole territory for the new State would be more likely to create dissension at Washington than if arbitrary boundaries were assumed.

The result was, that the idea of embracing the entire territory would be of most seeming advantage to the coast population. which was doneby a line embracing the entire Pacific front, from the boundaries of Oregon to those of Mexico, an extent of ten degrees of latitude, and extending eastward to embrace the mountain range, called the Sierra Nevada. Thus the coast population in California, by a mere dash of the pen, excludfrom the commerce of the Pacific ocean the immense and boundless territory which lies behind them, with the millions of population which will swarm there at a future day. And is done, although Nature herself would seem to intend otherwise, by leaving an open way to the ocean, between the parallels of 34 and 35 degrees, where the chains of mountain ubside into the plain.
I will not detain the Senate by reading from the debates in

Convention. But I propose to quote from them on the points alluded to above, as well as on others hereafter to be noticed, and append it to my remarks when in print.\* I allude to \*Affendix, containing quotations from the report of the de-bates in the California Convention.

ON THE BOUNDARIES OF CALIFORNIA. Mr. Gwin said, (page 196 of the report of debates :) "If I understand the gentleman from Sonoma, (Mr. Sem-PLE,) he stated this morning that if we establish no boundaries, Congress will be forced to admit us with the boundaries we now have. I cannot admit the argument. I do not look upon congress will be forced to admit us with the boundaries we now have. I cannot admit the argument. I do not look upon it, that if we were to send our constitution to Congress, they are forced to give us all of the boundary that we have described, or that they are forced to give it to us if we do not describe it. or that they are forced to give it to us if we do not describe it. I think gentlemen are laboring under a great mistake in regard to the power of Congress on this subject, when they assume that, if we pronounce a certain line as the boundary of California, it shall be the boundary, notwithstanding any objection of Congress. I have not the remotest idea that the Congress of the United States would give us this great extent of boundary if it was expected that it should remain one State. And when gentlemen say that they never will give up one inch of the Pacific coast, they say what they cannot carry out. So far as I am concerned, I should like to see six States fronting on the Pacific, in California. I want the additional power in the Congress of the United States of twelve Senators instead of four; for it is notorious, sir, that the State of Delaware, smaller than our smallest district, has as much power in the Senate as the great State of New York. It is not the passage of a bill through the House of Representatives that makes lie property, and that the laws concerning it were "faithfully executed."

Yet, monstrous as it may appear, the fact nevertheless remains that under the evil coursels of those around him. tains. I want the power, sir, and the population. When the population comes, they will require that this State shall be divided."

As evidence that the inhabitants residing south of the paralel of 36° 30' preferred a Territorial form of Government, the same gentleman (Mr. Gwin) held the following language, page 195 :

"Sir, are we not here forcing a State Government upon a cortion of the people of California whose delegates have by heir recorded votes stated the fact that their constituents are unanimously against a State Government and in favor of territorial organization. Do you not expest and require tha hey shall sustain this Government and become a part of it if not, let us require their delegates to retire from this Com they shall sustain this Government and It not, let us require their delegates to retire from this Convention, apply to Congress for a Territorial Government, and exclude them from our State boundary. Gentlemen affect to believe that in taking in a large extent of territory not represented here, and from which no opposition to our action has become known to us, we are doing a great act of injustice to those people; when, at the same moment, we have here before us the direct protest against a State Government of a portion of the inhabitants of this territory who are represented. tion of the inhabitants of this territory who are represented. But do we stop—do we refrain from committing this act of injustice? No, sir; we go on and include them; we never think of excluding them. They bear the expense of a State Government, while they prefer a Territorial Government; but, rather than submit to a separate organization, or run the risk of getting no Government at all, they waive their objection and act with us."

And again, page 197:

"The proviso of the gentleman from Monterey (Mr. Halleck) was added at his suggestion. I prefer sending my proposition as I offered it. We should not mutilate our constitution on this subject. We send it to a great Power. Gentlemen deny the right of Congress to interfere with the subject of our limits. If Congress has not the power to designate what we shall be, why do we send our constitution there? I was opposed to any other boundary but that of California as recognised by the Governments of the United States and Mexico, for another reason, and I consider it a very important one, that if we leave a portion of territory out, we would necessarily open a question which we here should not interfere with. We all know what 36 deg. 30 min is. It is the great bone of contention. North of that there is no contest. South of it there is a contest. If gentlemen will look where this line strikes the Pacific, they will see that not a solitary vote was east by a delegate in this Convention south of that line, except those cast against a State Government. The representatives here from that region are unanimous in their votes against the establishment of a State Government. If we include the territory these delegates represent on the coast, why exclude the And again, page 197: establishment of a State Government. If we include the territory these delegates represent on the coast, why exclude the barren waste beyond, where no white man lives? We take away the substance and leave the shadow. Let us take the whole territory or stop at that line. If we stop at that line, we mutilate the Convention by excluding the members south

Page 184. Mr. Semple, the President of the Convention

said:

"I feel under some obligation to repeat a conversation which has a direct bearing upon this matter. There is a distinguished member of Congress who holds his seat from one of the States of the Union, now in California. With a desire to obtain all the information possible in relation to the state of things on the other side of the mountains, I asked him what was the desire of the people in Congress; I observed to him that it was not the desire of the people of California to take a larger boundary than the Sierra Nevada; and that we would prefer not embracing within our limits this desert waste to the east. His reply was: 'For God's sake leave us no territory to legislate upon in Congress.' He went on to state then that east. His reply was: 'For God's sake leave us no territory to legislate upon in Congress.' He went on to state then that the great object in our formation of a State Government was to avoid further legislation. There would be no question as to our admission by adopting this course; and that all subjects of minor importance could afterwards be settled. I think it my duty to impart this information to the Convention. The conversation took place between Mr. Thomas Butler King and myself?" nd myself."

Value of slaves in California. Some idea may be formed of what the value of slaves would be in California, if permitted to be taken there, from what

"Mr. McCarver then moved the following section: "Mr. McCorver then moved the following section:

"39. The Legislature shall, at its first session, pass such laws as will eff. etually prohibit free persons of color from immigrating to and settling in this State, and to effectually prevent the owners of slaves from bringing them into this State for the purpose of setting them free."

"Mr. McCarver. This is the article which I offered to the House some time ago. I withdrew it at the suggestion of several gentlemen who thought it would be more appropriate in which we set of the constitution.

follows, page 137 :

another part of the constitution.
"I have no doubt, sir, that every member of this House is

that the Governor was bound to administer the laws of the country, and that he not only could not originate, but that the foreign aware of the dangerous position in which this country is placed, owing to the inducements existing here for slaveholders to bring their slaves to California and set them free. I am my-he could give no countenance to any revolutionary movement self acquainted with a number of individuals who, I am in-

representative in the Convention present from the Territery south of the line of 36° 30' was against the formation of a State Government at all; that the people who resided south of that line were in favor of a Territorial Government, and against a State Government; and it is further stated in the debate, by a gentleman who took part in it when this question was before the Convention, that the votes of those who were representatives from the territory south of that line (36° 30') were given to a man against the formation of a State Government. I should say, then, viewing this question, not as one of political expediency, but as one of justice and propriety, that the Senate of the United States, in prescribing a proper southern boundary for the State of California, should restrict that boundary to the parallel of 36° 30'. To do this would enable the people living east of the great chain of mountains to have access to the Pacific coast, and would be conformable to the wish of the large and stable population residing south of that line.

Mr. President, it has been asked in this Senate more than

once, with what view we would contract the boundaries of California? It has been asked of gentlemen from the South-ern States whether, if they did contract this boundary and ern States whether, if they did contract this boundary and open a way so that they could carry their alaves there, it would ever be done? The Senator from Massachusetts, (Mr. Webster,) some time ago, declared that slavery would never go there; that this Wilmot proviso was written on every rock and inevery plain; that Nature had ordained that slavery could not exist there, and that it was idle to attempt to contravene the ordinances of Nature. Sir, any gentleman who will inform himself of the statements made and acted on in will inform himself of the statements made and acted on in the California Convention, as shown by the debates, will find that if the people of the Southern States had been at liberty to take their slaves there, under what I assume to be their constitutional right, they would have been taken into the Territory by hundreds of thousands, and that at this day the larger portion numerically would have been the population of slaves held by the Southern slaveholders. Sir, what could be a more valuable use of that labor than in working those mines? Every body can understand that for himself. But it is proved by the fact that, after the Convention of California had determined upon the exclusion of slaves from the Territory, a proposition was made that the constitution should exclude the African race in every form, bond or free; and the reason given for it was thus summed up. You have excluded slavery. Now, unless you exclude the African race altogether, the consequence will be that the Territory of California gether, the consequence will be that the Territory of California will be inundated by free negroes. Because, so valuable would be their services to their masters, that the owners of slaves would take them there by thousands and thousands, upon contrict that they should serve them one or two years and then be manumitted. It was said that by adopting this course each slave would be worth from two to five a year to his master. These, then, are fac's which I present in answer to gentlemen who contend that there is no room for African lavery there. Now, who can say that the same reasoning des not apply to the southern part of California? It is said the gold has not been discovered there, and that it never will be. Those who have said so may be right, or they may be wrong. Gentlemen say that the climate, the soil, and the deser wastes which are to be found there afford no inducements or slave labor. In that too they may be right r they may b wrong ; but I say that, under the constitution, or they may b wrong; but I say that, under the constitution, we have a legil right to have the door left open, and to have it kept open, it order that we may enjoy it, so long as it remains a territor, in any way we may think most expedient. But, spart tom any question of constitutional right or obligation towal the Southern States, a glance at the map will show that eery motive of public policy, and just equality in the Territory equires that the immense reach of country lying eastward othe Sierra Nevada, or the proposed eastern boundary of the new State, should not be excluded from the commerce and tade of the Pacific. We are told that it is idle to attempt to rewide access for that country to the Pacific idle to attempt to rovide access for that country to the Pacific coast, because the are separated from it by vast and impas-sable mountains. again refer them to the map, which shows that the mountains ubside south of the parallel of thirty-five degrees; and I refer also, to the declarations before adverted to, of one of the chif members of the convention, who indicated as the ultimat policy of the country the erection of six States in the Teritory, each of which should front and bind on the Pacific cean. It is an advantage, of value inserting the terms of the country states and the country states and the country states and the country states are states and the country states are states and the country states are states and the country states and the country states are states are states and the country states are states are states are states and the country states are stat estimable to future Stres, that they should have a share in the great commerce of te Pacific, and it is our clear duty to provide it for them, by tking care that the entire coast is not pre-occupied and engrossd by those who happen to have been the first comers. Look, ir, at the great valleys of the Colo rado and the Gila, both to great extent unexplored; but the latter giving evidence, by the color of its waters and the traditions of the Indians, that it enbraces a highly valuable and fertile country. Nature has opened a way for the access of the inhabitants of these great valleys to the ocean; and we

And now, sir, as to the adjustment of the difficulties around us, I beg to say, that the leading and controlling objection to the bill under consideration, so far as the Territory of California is concerned, is this extension of her southern boundary I think I have shown that every consideration of national policy, and of justice to the immense country behind the new State, requires that she be restrained from engrossing the en-tire border of the Pacific: I think I have shown from the language of her public men in Convention, that there is no urgent reason affecting her condition why this extended boundary should be allowed; and I have shown further, that the people to be affected by it south of the line indicated are solicitous and anxious to be excepted from the limits of the new State. But I insist, more than all, that it violates the terms of the compromise of 1820. It opens anew, and in an aspect o ophetic warning to the South, the dangerous purposes of ose who claim the right to limit and restrain the extension of the institution of slavery; and it will compel the States where this institution exists to rely on their own resources and strength to arrest the exercise of the power, whatever

nsequences may ensue. But, sir, to the contrary of all this, determine to abide by the settlement of this controverted question as made on the admission of Missouri, and the horizon clears off at once. Great as we view the concession made by that settlement on the part of the South, it has been done, and we are willing yet to abide by it. So determine, and we admit California at once, and upon the proclamation of the President, if such form be most acceptable, upon information satisfactory to him that the inhabitants within the prescribed limits have in the proper forms contracted their southern boundary as indicated, and have limited their representation at present to one member. And we will do this in the earnest desire to restore tranquillity to the country, and harmony and efficiency to the public councils, although to do so we must overlook the gross usurpations of the Executive connected with the subject, along with all the irregularities attendant upon the constitution of that Convention; and if in all this there can be seen no spirit of conciliation, then I fear that nothing will satisfy the majority but terms that import ruin to the South. I submit this proposition, sir, to the Senator of Kentucky (Mr. Clay,) who has asked the Senator of Louisiana (Mr

Source) what it was the South wanted ! and what we would take? I offer as the mode of adjustment the line of the Missouri compromise, that upon which the country has reposformed, are now preparing to bring their slaves here upon in-dentures and set them free. I hold it to be a correct doc-trine, sir, that every State has a right to protect itself against

Again, the same gentleman, page 38: "Let us look at the inducements, and see whether these tears are without foundation; let us see what is the probable value of an able-bodied negro man in the Southern States—they hire there at broom sixty to one hundred dollars a year. Suppose you pay \$700 to get a slave here, and set him free on sondition that he shall serve you for one year. He produces, according to the ordinary rates in the mines, from two to six thousand dollars. There are many of our Southern Friends according to the ordinary rates in the mines, from two to six thousand dollars. There are many of our Southern friends who would be glad to set their negroes free and bring them here, if they produced only half of that amount. When the terms of the contract have expired what would these slaves do? They would become a burden on the community. And I can assure you, sir, thousands will be introduced into this country before long if you do not insert a positive prohibition against them in your constitution—an immense and overwhelming population of negroes, who have never been freemen; who have never been accustomed to provide for themselves."

And in like terms, page 180. Mr. McDongel.

And in like terms, page 180, Mr. McDougal : "Gentlemen have risen on this floor and stated that they

"Gentlemen have risen on this floor and stated that they had received letters from the South; and that they knew of many others who want to bring their slaves here, and work them for a short period in the mines and then emancipate them. If this constitution is thrown back upon us for reconsideration, it leaves them the opportunity of bringing their slaves here. It is what they desire to do; to create some strongly objectionable feature in the constitution, in order that they may bring their slaves here and work them three months. They will even then get more than they can get for them in the States. I look upon that as the result if we send our constitution to Congress with a boundary so objectionable as this." I add a single quotation more, to give some idea of the exent to which the people in California were represented in this

tent to which the people in California were represented in this Convention. At page 193 Mr. Botts said:

"Yes, sir, I am told there are thirty thousand freemen in this extent of country east of the Sierra Nevada, which you propose to include in your limits. Are they in the District of Sonoma, or Sacramento, or Monterey?—thirty thousand freemen unrepresented. Do you know, sir, by what vote of my constituents I sit upon this floor? I will tell you. I received ninety-six votes—I, who am modestly requested to legislate for thirty thousand people I never saw, am sent here by ninety-six votes. My colleague, it is true, who makes this proposition, received some twenty or thirty more; and as for the position, received some twenty or thirty more; and as for the remainder of my colleagues, I believe they are even worse off

ralgrant of money, a cession of all the territory claimed by her north and west of a line run from the 32d to the 34th parallel north and west of the seat of congress, to recognise the right the south was admitted, and re-affirmed less than the south was admitted, and re-a ther than bring to extremity this issue made on a question of constitutional power. Compromise is a dangerous resort to those in a minority, as we have sadly experienced. Far better for a minority to try the right when first questioned than to evade it for the sake of repose. And where do we stand now? Precisely where we stood in 1820, except that the minority has increased and the minority diminished by the majority has increased, and the minority diminished, by the operations of well known causes in the tide of population. The South cannot retrieve the step then taken without an open rupture, and this we will avoid, if the North will allow it. Sir, the proposition of the Southern States to stand on the Missouri compromise line, throws the whole responsibi-lity of the future on the North, and the country will so understand it. Odious as this ever has been, and to none more so than to him who now addresses you, I will abide by it as a sacrifice to the public peace. But not one hair's breadth will I, as a representative of Virginia, ever yield, below that line, as a matter of right in the North. I qualify it, sir, as a matter of right, because it is said that in the face of the country in California, a more convenient national boundary country in California, a more convenient national boundary could be found perhaps a few minutes south of the compromise line. If this be so, let it be adopted. I stickle only for the right, which can be protected by the language of the act.

And now, Mr. President, let gentlemen on the other side assign their reasons why the southern boundary of California should not be contracted as proposed. It will give to the new State a border of five degrees of latitude on the Pacific, re-

serving about four for the southern ; Territory and it will leave an open way to the ocean for future States which may be erected. So much, sir, in regard to that part of the bill which provides for the admission of California.

The next proposition in the bill is, that Texas, for a grant

of money, shall cede to the United States all of her Territory lying north and west of a line to be drawn from a point near the 32° parallel of north latitude to the 34th. The intent, as alleged, is, thereby to settle the controverted question of boundary between Texas and so much of New Mexico as has been ceded to the United States by treaty with Mexico.

I shall not now go into this question of boundary as one of right between Texas and the United States. My business is to deal with it in the bill, as it is proposed to operate on the question of compromise or adjustment of the slavery ques-tion. In this view the first effect of it certainly is, to take off so much of the territory as belongs to Texas, now subject to the institution of slavery, and to make it the property of the United States. At present slaveholders with their property can go there, and hold it under the jurisdiction of Texas: ede it to the United States, and who is credulous enough to believe that the institution will be allowed there one day after the title is passed.

The next effect of it is to withdraw the ceded territory from e operation of the compact of annexation. That compact is in the following words

is in the following words:

"New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the federal constitution; and such States as may be formed out of that portion of said territory lying south of 36 30 north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire; and in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery, or involuntary servitude, except for crimes, shall be prohibited."

That is to say, new States that are formed out of the terri-

That is to say, new States that are formed out of the terriory of Texas south of that line shall be admitted into the Union "with or without slavery," &c. But if the cession be made, the territory ceded is no longer the "territory of Texas," but it becomes the territory of the United States, nd is in all respects on the footing of any other territory of the United States. When, therefore, new States are formed out of the ceded territory, they will be formed not out of territory of Texas." but out of "territory" of the United States. In other words, the obligation of the compact is binding on the United States in respect to territory of the State of Texas, out the obligation ceases when the territory ceases to be the territory of Texas. But whether this be the true legal exposition or no of the effect of that compact, the experience of the country gives us sufficient warning what the actual construc-

tion will be, should the question ever arise.

The last effect that I shall notice is, to violate the faith pledged by the compact with Texas, as to the condition of new States that might be formed out of her territory south of 36° 30′. The Southern States admitted Texas into the Union on the faith that the question of slavery or not, south of that line should be left to the people, inhabiting the country. The bill will take it from them, and leave it to the Congress

of the United States. As things stand, it is fully conceded that the terms of the As things stand, it is fully conceded that the terms of the compact are mandatory, and require new States to be admitted south of that line whenever Texas assents, and there is sufficient population—the question of slavery or not to be determined to the constitution of Texas, if it tolerates slavery at all, carries it from all this, that this proposition will result in nothing. I can assure the honorable Senator that I mean to offer no such mined by the inhabitants of a territory where slavery prevails.

Pass this bill, and the mandate gives way to the discretion of a majority in Congress, whilst in the mean time the territory passes under the sole jurisdiction of Congress in all respects whatsoever. And what, sir, is the amount of territory to be what soever. And what, sir, is the amount of territory to be thus surrendered? Why, a fraction less than 125,000 square miles—a territory abundantly large for two medium sized States. Let it be done, and it requires no prophecy to fore-tell the result. Two non-slaveholding States will take their osition north and west of the State of Texas.

The actual effect of this bill, then, will be-1st. In the Territory of California to prohibit the institudown to the 32d parallel. 2d. To take from Texas 125,000 square miles of territory

now claimed as hers, and subject to the institution of slavery, and to place it, as to the continuance of this institution, at the discretion of Congress—thus removing the barrier of the Missouri compromise, incorporated into the compact with her.

And as an inducement to the Southern States to vote this bill, what is offered in return? Why, a proposition simply, in forming governments for the remaining Territories acquired from Mexico, to refrain from enacting the Wilmot proviso; this Wilmot proviso, held by all the Southern States as so irect an invasion of their rights under the constitution, as to ustify resistance on their part "to the last extremity and every hazard."

Sir, I do not wish to speak harshly, but it is difficult to speak with forbearance.

To escape (I think that is the true word) for the present and for the present only, from a law thus characterized by the Southern States, they are to assent to the prohibition of slavery in one of the Territories four degrees and a half be low the Missouri line, and to release 125,000 square miles of slave territory in one of the Southern States to the discre tion of a majority constituted of Representatives from the nonslaveholding States. To state the proposition, sir, is to ensure its repudiation by

Sir, if we were to do this, which Heaven forbid ever should be done by Southern votes, it would be but a temporary respite. Notwithstanding the voice of peace which occasionally heard, this Wilmot proviso is "not dead, but sleepeth." We have had warning enough to arouse even the dullest ear, in the speech of an eminent and influential representative from the State of Massachusetts, delivered in ne other wing of the Capitol, on a proposition to lay the fmotion" on the table during the present ression. His anguage was this :

"But it remains to be seen whether the great principles o "But it remains to be seen whether the great principles of the ordinance of '87 have lost any portion of their vitality; whether they have not as strong and living a hold on the hearts of our Northern and Western men as on that of the honorable member himself; and whether, on the proper occasion, if a real necessity or reasonable demand for their assertion and maintenance should arise, they would not be asserted, and be maintained by as large a majority in this hold as they ever maintenance should arise, they would not be assetted, and maintained by as large a majority in this body as they ever have been heretofore. I believe they would be,"

Who can doubt that the "real necessity or reasonable denand for their assertion and maintenance," oracularly hinted by the speaker, was the existence or non-existence of any previous law in the Territory abolishing slavery, and thus dis-pensing with a new enactment. No, sir, the proposition to refrain now from passing this proviso, and which we are to purchase at so dear a price, is no abandonment of the principle on the part of the majority. It is but to postpone its exercise, because as they believe there exists in these Territories "real necessity or reasonable demand for its assertion." and this is all.

I have thus, Mr. President, endeavored to lay before the Senate the objections I entertain to the bill under considera tion as it has been reported by the select committee; nor is there any amendment which can remove them, unless it were one to change the principle upon which it is founded. I have in doing this indicated the line of the Missouri compromise as the only ground upon which, as I believe, the question such way as to destroy agitation and restore harnony to the different sections of the Union. Run that line out from the State of Texas to the Pacific ocean, and I feel he strongest assurance that the entire South will acquiesce in the decision. Certainly it will have whatever weight will be carried by any recommendation of mine. And, sir, that we may have a distinct proposition before the Senate as a substitute, believed to carry the consent of the Southern States, I here propose it to the counsels of the country.

Mr. CLAY. Mr. President, I have risen merely to make in inquiry of the honorable Senator from Virginia, with a view to the clear comprehension of what are the terms upon which he thinks an adjustment of these questions could be made. I understand him to propose the extension of the line 36° 3 from Texas, where it now terminates by the resolution of annexation, to the Pacific ocean. Did I under-

ions are involved, or those of any whom I might pride—if any such there be—I declare most distinctly that the adoption of the line 36° 30' as the southern boundary of California would content me, without any legislation on the part of Congress in reference to the subject of slavery. In other words, that if the southern boundary of California were contracted to that line, I should be content to organize a Territorial Government for the territory south of it, in the usual form, without

any provision, pro or con, upon the subject of slavery.

Mr. CLAY. And so through to New Mexico?

Mr. MASON. Clearly. My suggestion is this: The compromise bill contains three propositions. The first is for the admission of California with her present boundaries; the second is for a cession of territory from Texas, prescribing her the admission of California with her present boundaries; the second is for a cession of territory from Texas, prescribing her boundaries; and, third, for the organization of governments in the remaining territory. Now, if it pleases the Senator to strike from the bill altogether that part which relates to the cession of territory from Texas, then I should be content if the southern boundary of California was contracted to the compromise line of 36° 30′, and the organization of a Territorial Government in the usual manner.

Mr. HALE. Mr. President—

Mr. CLAY. Will the honorable Senator from New Mr. CLAY. Will the honorable Senator from New marticularly addressed to the second is for a cession of territory from Texas, prescribing her line.

Mr. BERRIEN. By running the line of 36 degs. 30 mins. from Texas to the Pacific you strike off the southern portion of the proposed State of California from the operation of the constitution of California which inhibits slavery. That portion being taken from the State is relieved from the constitutional inhibition imposed by the people of the State. The southern portion of California is, in my opinion, much more important than the territories east of California.

Mr. MASON. Mr. President, my remarks were more narticularly addressed to the second in the second in the southern portion of California is, in my opinion, much more important than the territories east of California.

South the line 36° 30', because without an express recognition of the right to carry slaves south of that line, it was offering to the South a mere ideal line, without carrying along with it any practical benefits whatever. I understand, however, now, that the Senator from Virginia is willing to take the line 36° 30′ to the Pacific, leaving the local law and the

with that line, and silent as to the legislation south of that line Mr. MASON, (in his seat.) I speak only for myself. Mr. CLAY. The Senator says it is confined to himself. He must at once perceive that any change or variation in the existing proposition, without a knowledge of some practical result, would be, perhaps, losing time unnecessarily. But I should like to know whether every Southern Senator will be satisfied with the line running 36° 30′ to the Pacific, nothing being said about the right to carry slavery south of that line Mr. MASON. Mr. President, I have stated to the Sena tor very frankly the position which I am prepared to assume in this matter. I have told him that I have done so as expressing my own opinions only, and I have given my reasons for that opinion in the argument I have had the honor to sub-mit to the Senate. He asks me now whether he is to understand that all the other Senators from the Southern States concur in the opinions which I express. I will state to him, sir, that he will get, I apprehend, a very speedy expression of that opinion if he will indicate to the Senators on this side of the chamber whether he will be for it himself.

Mr. CLAY. Mr. President, this is making a contract between two individuals. I have no authority to answer for any body. I confess the proposition this morning struck me with great surprise—with sgreeable surprise. Although, sir, I would not say that I would go into California to disturb her limits, yet I think that if the honorable Senator would get out another compromise, I might be very much disposed to go along with him. That is to say, I would consent to run the line 36° 30', without any recognition of the right to carry slaves south of that line, leaving lex loci and the Constitution of the United States to operate there. If you can make any thing out of that, contrary to my convictions, I shall be very much disposed myself—speaking now only for myself—to take
the compromise line as the southern boundary of California.
That is to say, to run it through Utah and New Mexico.
Mr. MASON, (in his seat.) And no further?
Mr. CLAY. Certainly; not with regard to California.

Mr. CLAY. Certainly; not with regard to Camornia.

Mr. HALE. I merely rise to correct a misapprehension which, I fear, may arise from some remarks which fell from the Senator from Virginia in regard to the line 36° 30′. I I think that a stranger, who had not read the resolution of the nnexation of Texas, would understand, if he had listened to hat Senator, that this line was actually applied to the State of that Senator, that this line was actually applied to the State of Texas. So I understood him. Now, a reference to the resolution of annexation of Texas will show that this is ento its remotest boundary, the 42d degree. There is not a syl-lable in the resolution of annexation even squinting at the idea that there is any restriction of slavery in any part of it. The provision is, that whenever Texas consents to cut herself up into new States, those which shall hereafter be formed out of territory lying north of 36° 30' shall not have slavery. That is the whole restriction. There is none until Texas of her

own accord consents to divide her own territory. There was no compromise—36° 30', nor any other line—by which slavery was excluded from one inch of territory over which she extended or claimed jurisdiction. I make these remarks, not ecause I suppose that the Senator from Virginia has fallen take such as I have referred to, but because I thought, from the tenor of his remarks, that there was some restriction on slavery in Texas. There is none. I merely wish to say that every gentleman Mr. MASON. can determine for himself how far the Missouri compromise line of 36° 30' affects the State of Texas. All that is written down in round text in the resolution by which Texas was annexed, I apprehend it is so plain that "he who runs may read," and will admit of no misconstruction.

Mr. FOOTE here made some remarks, which, having been

submitted to him for revision, and not returned, are necessa-Mr. MASON. One word, sir. The issue which the honorable Senator has made (certainly I did not make it) in regard to the resolutions adopted by the General Assembly of Virginis, depends upon this: whether the terms "in any manner interfering with the rights of the slave holders in the District," and the terms "sbolishing the slave trade within he District," are to be taken as importing the same meaning. Now, sir, I do not think that the meaning given to a text some of those who made it, still less by th ly give testimony, should be invoked in any way to ascertain hat the meaning of it is, when the text itself is before us.

I am very much at a loss to see any difference between inter-fering with the slave trade in the District of Columbia, and interfering with the rights of slaveholders in the District of Columbia; for one of the rights of slaveholders is the trade in slaves. Mr. FOOTE replied.

Mr. CASS. Mr. President, there is one point upon which do not understand the honorable Senator from Virginia, (Mr. Mason,) in the explanation he gave to the Senator from Kentucky, (Mr. CLAY.) He says he is willing to accept the Missouri compromise line, without the recognition or estab-lishment of slavery by Congress south of that line. I can understand that, by applying that line to California, and stopping her boundary there, the country to the south of it would be again open to the action of the people, and it would be either forever to admit or exclude slavery. I say, I can un-derstand this. But I cannot understand of what possible use such a line would be east of California and Texas. It would divide nothing. The Missouri compromise line said nothing on the subject of slavery south of 36° 30'. It left to the people to introduce or exclude it there, while it prohibited its existence north of that line. This bill leaves the whole territory, north and south, precisely as the Missouri compromise line left the country to the South. That was non-action by Congress south of the line, but action north; while this non-action both north and south, and gives to the people the

right to settle the question for themselves.

The Missouri compromise line was a political one dividing something, while this would divide nothing at all. These bills create territorial governments without touching the question of slavery. Is the honorable Senator from Virginia williand the standard of the inches of the passing to the content of the passing the passing to the passing the passing to the passing the passing to the passing the passi ling it should not be touched? If he is, he has only to vote for them and his object is accomplished. But this is no compromise line; it is non-intervention, fairly carried out. I repeat, what do we want with such a line? It divides nothing, unless, indeed, you make it divide the Territories, forming one or two, north or south. But what would be gained by that for the question we are now discussing? The people in each would have the same right over the subject of slavery, and it would not exist in one more than in the other unless by their action. I repeat, we should have a line divi-

ding nothing, so far as this matter is concerned.

Mr. BERRIEN. I think, Mr. President, that the answer o the inquiry of the Senator from Michigan is very obvious The line proposed by the Senator from Michigan is very obvious. The line proposed by the Senator from Virginia would take off 4½ degs. from the proposed State of California, in which slavery is now inhibited, if effect be given to her constitution, and would thus bring that portion of the Territory within the provisions of this bill as applicable to the territories which it creates. It would, therefore, leave it optional with the people who may hereafter form a State there whether slavery should or should not exist within those 4½ degs. of the pro-posed State of California in which it is now inhibited. That is the answer. If the line 36 degs. 30 mins. be run to the Pacific, it will cut off 43 degs. from the proposed State of California, in which slavery is now inhibited, if effect be given

a line.

Mr. BERRIEN. Most certainly it will produce no change in the country east of California, but it will produce an immediate change in the southern portion of California. The proposition of the Senator from Virginia is not, therefore, so unmeaning as it was represented to be.

Mr. CASS. I will merely remark, Mr. President, that the question I put to the Senator from Virginia related solely to a line running upon a parallel of latitude east of California through Utah, New Mexico, and Texas, and to the advantage it would be to the South over the present bill, unless there was a recognition of slavery by Congress south of that line.

Hampshire excuse me for a moment? This is a very important subject—a very important matter—and it is extremely desirable that the country should distinctly understand what is proposed. This question, you will recollect, sir, at the commencement of this session, on the first occasion on which I addressed you at any length, I discussed, and on that occasion I stated that I could not think of offering to the South the line 369 30' because without an express recognit. promise line through Texas to the Pacific. What advantages or disadvantages would result to the parties who might agree to this adjustment would be for them respectively to determine. I apprehend that we should gain not a little by cutting off from California that portion of her Pacific border south of 36° 30', in which slavery is now inhibited by her constitution. I apprehend that we will gain something in relation to the State of Texas, if, by the adjustment, the territory which lies norther of the parallel of 36° 30' becomes the territory of the United States, instead of so much of the Territory as lies between 32° and her northern boundary. At any rate, I only threw the line 36° 30′ to the Pacific, leaving the local law and the constitution of the United States to operate on either side of that line, without any express declaration or recognition of the right to carry slaves south of that line, or a prohibition of slavery north of that line. That I understand to be the view of the Senator?

Mr. MASON. Undoubtedly.

Mr. CLAY. Assuming that to be what would satisfy him, the further question which I should like to be answered is, whether all the Senators from the South will be satisfied with that line, and silent as to the legislation south of that line?

Texas, and he dissented to its extension through the so-called new State of California to the Pacific. But, sir, a measure of adjustment is one thing, and strictly measuring our respecof adjustment is one thing, and strictly measuring our respec-tive rights is another. If it shall be the determination of the Senator from Kentucky (for he is the one who introduced this bill) to require us to measure our rights on this bill, I can only say, and I say it with no little regret, that we shall be at arms-lengths. But, if he will give his concurrence to this plan of dividing California by the line of 36° 30', I apprehend that all difficulties will be removed.

Mr. CLAY. Mr. President, I suppose that in all negotiations, whether diplomatic or legislative, or of any other character, the negotiators ought to produce credentials of authority. Now, I understand the Senator from Virginia, to be acting upon his own hook, if I may use a common expression. Senator from Kentucky (for he is the one who introduced this

rity. Now, I understand the Senator from Virginia, to be acting upon his own hook, if I may use a common expression. He is not able to answer for a solitary Senator from the South. And does he expect that I should give an answer to a proposition coming from a solitary individual, perhaps not seconded, not concurred in by another Southern Senator?

Sir, I will not say what I would do. But I will say that, if there was an entire concurrence of all the Southern Senators in the proposition made by the Senator form Virginia.

tors in the proposition made by the Senator from Virginia, I should hesitate long before I should pronounce an opinion upon it; I should give it grave and serious deliberation. No Southern Senator has yet announced his concurrence in the proposition. The only signal of concurrence or non-concurrence on the other side of the house was a most empletic red of the context. concurrence on the other side of the house was a most emphatic nod of disapprobation from a worthy friend of mine, now in my eye. Does the honorable Senator expect to get up solitary and alone, without the concurrence of another Senator from the South, and make a proposition to me, and call upon me to assent to it? But, in the total absence of his credentials of authority, I will tell the Senator how he may accomplish it abias. may accomplish his object. The bill is in progress, and open to amendment. Let the Senator make his proposition to extend the line 36° 30' to the Pacific, and call for the yeas and nays on it. We can then have a vote on the question; and we can then see how many Southern Senators will o

nis proposition.

Mr. MASON. Mr. President, I do not understand that the Senator from Kentucky has exhibited any power or cre-dentials to negotiate on his part; but I do understand that he takes great care not to commit himself upon the question. proposition. I stand in a minority, and, as the Senator from Louisiana said the other day, it does not become a minority to offer terms to those who have the power to make them. I shall offer no proposition. I have merely stated what would

meet my concurrence. Mr. UNDERWOOD. Mr. President, the proposition suggested by the Senator from Virginia is not a new one. It was proposed by me a few years ago. I was a member of the celebrated committee of eight that framed a compromise bill, which was not adopted. Before that committee retired to take the subjects referred to them into consideration, I had suggested an amendment by which the line of 36° 30' was be extended to the Pacific ocean and to all our Territories. In that amendment I did not content myself with that which the Senator from Virginia says would now satisfy him. I wanted the extension of that line coupled with the positive declaration that south of that line immigrants thither from the slaveholding States might carry their slaves and should be protected in the use and enjoyment of their slave property until the people formed a State constitution, and then as a matter of course the people of these Territories would have a right to dispose of the question as they might think fit. Now, it was because I could not obtain a positive declaration to that effect, during the last Congress, either in the compromise bill of the committee of eight, or in any other way, that I went against that bill. That was the reason which induced me to oppose the bill.

oppose that bill.

Sir, the Missouri compromise line upon the terms suggested by the Senator from Virginia would, in my humble judgment, be a surrender of the entire question so far as the extension of slavery is concerned. I entertain that opinion for reasons which, if the Senate will bear with me, I will beg leave to state. I do not know, however, that I can concludwish to say on this subject to night.

At this point of his remarks, the honorable Senator gave

way, without concluding, when on motion, The Senate adjourned.

MONDAY, JUNE 3, 1850.

The Compromise Bill sgain coming up for consideration—Mr. SOULE. Mr. President, mindful of the call made Mr. SOULE. Mr. President, mindful of the call made upon me the other day by the honorable Senator from Kentucky, I have attempted to prepare, with what feeble abilities I could command some three or four sections as a substitute for the three sections of the bill relating to California. That substitute I wish now may be laid upon the table in order that it may be printed, and with a view to have it taken uphereafter, when I may submit to the consideration of the Senate some few observations in support of it. I will read it. After the word "Government," in the title of the bill, insert the words "South California," and strike out the first, second, and third sections of the bill, and insert the following:

"Be it empress of the sections as California shall have " Be it enacted, &c. That as soon as California shall have passed in convention an ordinance providing—
"That she relinquishes all title or claim to tax, dispose of

or in any way to interfere with the primary disposal by the United States of the public domain within her limits.

"That she [California] will not interpose her authority and power so as to disturb or impede any control which the United States may deem advisable to exercise over such dis-United States may deem advisable to exercise over such districts in the mining regions, either now discovered or to be discovered hereafter, as may not be included in any lawful grant made to private individuals or to corporations prior to the cession of California to the United States."

"That the lands of the non-residents shall never be taxed in the other than the second private."

"That the lands of the non-residents shall never be taxed higher than those of residents.

"That the navigable waters shall be open and free to all citizens of the United States, those of California included.

"That the Southern limits shall be restricted to the Missouri compromise line, (36 deg. 30 min. north latitude.)

"And as soon as she shall have produced to the President of the United States satisfactory and authentic evidence that the terms here set forth have been fully and exactly complied with, the President of the United States be and he is hereby authorized and requested, without any further section on the with, the President of the United States be and he is not he authorized and requested, without any further action on the part of Congress, to issue his proclamation declaring that California is, and that she shall thereupon be admitted into the Union upon an equal footing with the original States in all

respects whatever.

Sec. 2. Be it enacted, &c. That such portion of the revenue collected in the ports of California as may remain unex-pended at the time of the issuing of the President's proclama-tion as aforesaid, shall be paid over to the said State of California.
"Sec. 3. Be it enacted &c. That the Senators and Rep-

"Sec. 3. Be it enacted GC. That the Senators and Representatives elect now before Congress for the said State of California shall be entitled to receive, and shall receive the milesge and the per diem pay allowed to the Delegate from the Territory of Oregon, from the day that the message of the President transmitting the Constitution of California was received by Congress.

"Sec. 4. Be it enacted, GC. That the country lying because the 20 dec. 30 min of parth latitude and the hundars."

Pacific, it will cut off 4½ degs. from the proposed Sta'e of California, in which slavery is now inhibited, if effect begiven to her constitution, and will leave it op ional, under the pro-